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NOTES: CONFERENCE OF NEW YORK POLICE MAGISTRATES.

CONFERENCE OF NEW YORK POLICE MAGISTRATES. On December 10 and 11, 1909, a conference of the city magistrates of New York state, called by the State Probation Commission, was held at Albany to exchange views and experiences and to compare methods and practices regarding the administration of police justice in the cities of the state, outside of the city of New York. The conference was in all respects unique, being the first of the kind, we believe, ever held in this country. It was presided over by Mr. Homer Folks, president of the State Probation Commission, and was participated in by police judges from twenty-four cities of the state. The following program of topics was discussed:

A. The Treatment of Adult Misdemeanants. 1. In cases of married men convicted of petit larceny, burglary in the third degree or some similar offense, what circumstances should determine whether imprisonment, a fine, suspended sentence or probation, is advisable?

2. (a) Are the jails and penitentiaries in this state providing proper reformatory influences for male misdemeanants between 16 and 21 years of age; (b) if not, how can persons of this class needing institutional treatment be segregated and given more satisfactory reformatory training?

3. In cases of defendants unable to pay their fines in one sum, is it sometimes desirable to release the defendants on probation, pursuant to section 483 of the Code of Criminal Procedure, permitting them to pay their fines in instalments and to avoid imprisonment in default of paying the entire fine at once?

4. In cases of defendants convicted of malicious mischief, petit larceny, assault in the third degree or defrauding boarding-house keepers, is it sometimes desirable to release the defendants under suspended sentence or probation, upon the condition that they make restitution to the aggrieved party?

B. The Treatment of Cases of Non-support (Disorderly Persons). 5. (a) In cases of defendants convicted for the first time of failure to support their families, is it desirable to place the defendants on probation upon the condition that they pay stipulated instalments for the support of their families; (b) if so, through whom should the money be paid?

C. The Treatment of Juvenile Delinquents and of Adults Contributing to the Delinquency of Children. 6. (a) In dealing with juvenile delinquents, is the nature of the offense, or are the personality, home conditions and associates of the child, the more important factor in determining the wisest disposition of the cases? (b) How can adequate information about the characteristics and circumstances of a child be secured?

7. In cases of violation of the compulsory education law, when should the truant children, and when should the negligent parents, be made the defendants; and what disposition by the court is most likely to be effective (a) when the children are the defendants, and (b) when the parents are the defendants?

8. Are the provisions of subdivision 3 of section 483 of the Penal Law satisfactory for dealing with parents, guardians and other adults who are guilty of contributing to the delinquency of children?

9. How long should a child usually be kept on probation before reasonable assurance can be felt as to his or her future conduct?

10. (a) Are wayward girls and those without proper guardianship usually brought before a court sufficiently early to make improvement in their conduct likely without commitment to a training school or other reformatory institution; (b) if not, how can such girls be brought before the court earlier, and what reformatory or preventive measures, other than commitment, can be made effective?

D. The Treatment of Drunkards. 11. Should public intoxication constitute a misdemeanor as is provided by section 1221 of the penal code?

12. How can a court distinguish occasional periodical and habitual drunkards?

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13. In cases of occasional drunkards convicted for the first or second time, what disposition is most advisable?

14. In cases of periodical drunkards, what disposition is most advisable?

15. In cases of habitual drunkards, is it advisable to commit the defendants to a jail or penitentiary, or should they be committed to an institution providing proper hygienic and medical treatment and other essential reformatory influences, including suitable employment; if so, for how long should they be committed?

E. The Treatment of Prostitutes. 16. (a) In cases of street-walking, soliciting, being an inmate of a house of prostitution or kindred offenses, when is commitment advisable? (b) How can a city magistrate contribute most effectively to the diminution of the social evil?

F. The Treatment of Vagrants and Tramps. 17. In cases of vagrants or tramps, does commitment to a jail or penitentiary, (a) have a reformatory effect; (b) does it act as a deterrent?

18. In cases of vagrants or tramps is it desirable to release defendants under suspension of sentence upon the condition that they leave the city?

19. Is it possible to deal effectively with the vagrancy problem unless state, municipal, charitable and social agencies, and the railroads, cooperate in developing and carrying out some adequate plan for the identification, segregation and custodial care of confirmed vagrants, and for the relief and rehabilitation of those who are helpless?

G. Court Procedure and Miscellaneous Topics. 20. As a means of avoiding the unnecessary arrest and detention of defendants should the Code of Criminal Procedure be amended to provide that magistrates in their discretion may issue a compulsory process, known as a summons, for the appearance in court, without arrest, of persons charged with an offense less than a felony?

21. In cases of women or juvenile defendants where the presence in court of persons having no direct connection with the cases is likely to cause the defendants notoriety or harm, what means of securing privacy are practicable?

22. Assuming that the publication in newspapers of the names, addresses or other descriptive identification of children arrested or brought before juvenile courts, is as a rule undesirable, how can local newspapers be induced not to publish such facts?

23. Is a card index (as kept in certain courts in this state) of the names, aliases, records and other descriptive information about all defendants, desirable for readily identifying persons who in the future reappear in court on new charges?

24. Miscellaneous topics.

Dr. Andrew S. Draper, Commissioner of Education, in an address before the conference, dwelt upon the importance of the office of committing magistrate and pointed out that they ought to be men of large human sympathies and of good sense and that they should be familiar with all the provisions of the statutory law. Probably the city magistrates, he said, have greater opportunities than any other public officers for helping the people to be better. On the question of whether the jails and penitentiaries of the state were providing proper reformatory influences for juvenile male misdemeanants a negative opinion was generally expressed. On the question of the expediency of suspending sentence in certain cases and of releasing defendants on parole and allowing them to pay their fines in instalments, there was a difference of opinion, although it was brought out that the practice is followed with good results in various cities of the state. The same difference of opinion was expressed in regard to the advisability of releasing defendants convicted of malicious mischief, petit larceny, and similar offenses under suspended sentence or probation, upon condition that they make restitution

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to the injured party. Altogether the advantage of such a method of procedure in particular cases was recognized and is being followed in practice in some cities.

In regard to the treatment of drunkards the opinion was general that the present methods are inadequate and it was asserted by one judge that the New York law on the subject is a reproach to civilization. There was a general agreement that drunkenness is often a disease, in which case imprisonment in the penitentiary does not provide the proper care, and that some form of institutional treatment is desirable. In the discussion of the treatment of prostitutes considerable attention was bestowed on the question of the desirability of providing for medical examination of women convicted of prostitution, and when found suffering with venereal diseases of removing them from society.

Resolutions were adopted by the conference urging the legislature to establish a reformatory for male misdemeanants between the ages of 16 and 21 years and recommending the amendment of the penal law so as to make adult contributory delinquency a misdemeanor and empowering the courts to place parents found guilty of contributing to the delinquency of the child, under the supervision of a probation officer or of imposing such sentence as the court may deem advisable.

The proceedings of the conference have been published in convenient form (The J. B. Lyon Company, Albany, 1910, pp. 69). It is planned to hold another conference during the present year.